
SENATE BILL No. 206

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-8-6-6; IC 27-13-36.2-7.

Synopsis: Reimbursement of nonphysician certified surgical assistants. Requires health insurance policies and HMO contracts to provide coverage for intraoperative surgical care services provided by a physician or a nonphysician certified surgical assistant.

Effective: July 1, 2003.

Gard

January 9, 2003, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 206

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 27-8-6-6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 6. (a) As used in this section, "assistant to the**
4 **surgeon" means:**

- 5 (1) a physician (as defined in IC 25-27.5-2-9);
6 (2) a physician assistant (as defined in IC 25-27.5-2-10);
7 (3) an advanced practice nurse (as defined in IC 25-23-1-1);
8 and
9 (4) a nonphysician certified surgical assistant.

10 (b) As used in this section, "nonphysician certified surgical
11 assistant" means a certified surgical assistant, a certified surgical
12 technologist/certified first assistant, or a registered nurse first
13 assistant who:

- 14 (1) is supervised by a physician licensed under IC 25-22.5;
15 (2) provides intraoperative surgical care; and
16 (3) is certified by one (1) of the following:
17 (A) The National Surgical Assistant Association on the



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Certification of Surgical Assistants.

(B) The Liaison Council on Certification of Surgical Technologists.

(C) The National Certification Board of Perioperative Nursing.

(D) Any other national certifying body approved by the medical licensing board.

(c) As used in this section, "intraoperative surgical care" means assistance provided to an operating physician during an operative procedure. The term includes the following:

(1) Positioning the patient.

(2) Preparing and draping the patient for an operative procedure.

(3) Observing the operative site during the operative procedure.

(4) Assisting in closing incisions or dressing wounds.

(5) Providing the best possible exposure of the anatomy involved in the operative procedure.

(6) Performing any task that is:

(A) relevant to the operative procedure; and

(B) required by the operating physician.

(d) A policy of accident and sickness insurance (as defined in IC 27-8-5-1) that is issued on an individual or a group basis must provide reimbursement to an insured for intraoperative surgical care services provided by a surgeon. The policy must also provide reimbursement for the intraoperative surgical care services provided by an assistant to the surgeon if required by a surgeon.

(e) This section does not require coverage under a policy of accident and sickness insurance for a service that is not otherwise covered under the terms of the policy.

(f) This section does not require a person or an entity that provides surgical services described in this section to employ or utilize an assistant to the surgeon.

SECTION 2. IC 27-13-36.2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) As used in this section, "assistant to the surgeon" means:

(1) a physician (as defined in IC 25-27.5-2-9);

(2) a physician assistant (as defined in IC 25-27.5-2-10);

(3) an advanced practice nurse (as defined in IC 25-23-1-1); and

(4) a nonphysician certified surgical assistant.

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(b) As used in this section, "nonphysician certified surgical assistant" means a certified surgical assistant, a certified surgical technologist/certified first assistant, or a registered nurse first assistant who:

- (1) is supervised by a physician licensed under IC 25-22.5;
- (2) provides intraoperative surgical care; and
- (3) is certified by one (1) of the following:
 - (A) The National Surgical Assistant Association on the Certification of Surgical Assistants.
 - (B) The Liaison Council on Certification of Surgical Technologists.
 - (C) The National Certification Board of Perioperative Nursing.
 - (D) Any other national certifying body approved by the medical licensing board.

(c) As used in this section, "intraoperative surgical care" means assistance provided to an operating physician during an operative procedure. The term includes the following:

- (1) Positioning the patient.
- (2) Preparing and draping the patient for an operative procedure.
- (3) Observing the operative site during the operative procedure.
- (4) Assisting in closing incisions or dressing wounds.
- (5) Providing the best possible exposure of the anatomy involved in the operative procedure.
- (6) Performing any task that is:
 - (A) relevant to the operative procedure; and
 - (B) required by the operating physician.

(d) An individual contract or group contract must provide payment for intraoperative surgical care services provided by a surgeon. The contract must also provide payment for the intraoperative surgical care services provided by an assistant to the surgeon if required by a surgeon.

(e) This section does not require coverage under an individual contract or a group contract for a health care service that is not otherwise covered under the terms of the contract.

(f) This section does not require a person or an entity that provides surgical services described in this section to employ or utilize an assistant to the surgeon.

SECTION 3. [EFFECTIVE JULY 1, 2003] IC 27-8-6-6, as added by this act, applies only to accident and sickness insurance policies



1 that are issued, delivered, executed, amended, or renewed after
2 June 30, 2003.

3 SECTION 4. [EFFECTIVE JULY 1, 2003] IC 27-13-36.2-7, as
4 added by this act, applies only to health maintenance organization
5 contracts that are entered into, delivered, executed, amended, or
6 renewed after June 30, 2003.

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